

FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition)
of)
)
Kevin Sutton)
)
To rezone 64,310 square)
feet of land located at 7700)
Rainier Avenue South from)
SF 5000 to NC2-40)
)

C.F. 309754
DPD Project 3009571

FINDINGS, CONCLUSIONS
AND DECISION

Introduction

This matter involves a request by Kevin Sutton to rezone approximately 64,310 square feet of property located at 7700 Rainier Avenue South from Single Family 5000 (SF 5000) to Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). Attachment A shows the area to be rezoned.

On January 7, 2010, the Director of the Department of Planning and Development (DPD) recommended approval of the rezone, with conditions. After holding an open-record hearing on February 2, 2010, the Hearing Examiner issued Findings and Recommendations that also recommended approval, subject to conditions. The Council received no appeals of the Hearing Examiner's recommendation.

The matter first came before the Committee on the Built Environment (Committee) on April 28, 2010. At that meeting, the Committee took up the merits of the petition and reviewed the Hearing Examiner file and staff report. On May 12, 2010, the Committee voted to recommend approval to the full Council, with conditions.

Findings of Fact and Conclusions

1. The Council adopts the Hearing Examiner's Findings of Fact and Conclusions of Law for C.F. 309754 dated February 16, 2010.
2. The Council adopts the conditions recommended in the Hearing Examiner's Findings and Recommendation for C.F. 309754 dated February 16, 2010, amended to read as follows:

General Conditions

1. Development of the Impact Family Village structure on tax parcels 9412400015 and 9412400016 shall be governed by the height and bulk and setback requirements established by the Land Use Code and the Design Review process, and as shown on the plan set approved by DPD in the MUP decision.
2. Landscaping for the Impact Family Village structure on tax parcels 9412400015 and 9412400016 shall be governed by the Land Use Code, the Design Review process, and the landscape requirements shown on the plan set approved by DPD in the MUP decision.
3. The cluster of trees on tax parcels 9412400025, 9412400035 and 9412400036 east of the 60 foot topographic line, as shown on the site survey submitted for the MUP, will be preserved based on tree protections for a grove in Director's Rule 16-2008 and general tree protection regulations in SMC25.11.050B and E. Should the trees perish for any reason before or after construction, the area will be reforested at a one-to-one rate.
4. On tax parcels 9412400035, 9412400036 and 9412400045, all rear and side setbacks adjacent to a Single Family zone shall be increased from 15 to 25 feet for portions of buildings over 13 feet in height.

SEPA Conditions – During Construction

5. Condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

6. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 6:00 P.M.:
 - A. Surveying and layout.
 - B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
 - C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.
7. In addition to the Noise Ordinance requirements to reduce the noise impact of construction on nearby properties, all construction activities shall be limited to the following:
 - A. on-holiday weekdays between 7:00 A.M and 6:00 P.M.
 - B. non-holiday weekdays between 6:00 P.M. and 8:00 P.M limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - C. Saturdays between 9:00 A.M. and 6:00 P.M. limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
 - D. Emergencies or work which must be done to coincide with street closures, utility interruptions or other similar necessary events, limited to quieter activities based on a DPD approved mitigation plan and public notice program outlined in the plan.
8. Non-noisy activities, such as site security, monitoring, weather protection shall not be limited by this condition.
9. Construction activities outside the above-stated restrictions may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation

may be incorporated into any Construction Management Plans required to mitigate any short -term transportation impacts that result from the project.

Decision

The Council GRANTS a rezone of the property from SF 5000 to NC2-40 as described above and found in Attachment A. The rezone is subject to the execution of a Property Use and Development Agreement (PUDA) requiring the property owner to comply with the amended conditions described above. The rezone does not expire and remains in effect unless revoked pursuant to Section 23.34.004.

Dated this _____ day of _____, 2010.

City Council President

ATTACHMENT A

